

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Won Uk YU



Confirmation No.: 3711

Serial No.: 09/996,718

Group Art Unit: 2152

Filed: 11/30/2001

Examiner: Changkong, Dohm

Customer No.: 34610

For: METHOD FOR ACCESSING INTERNET USING INTERNET TV

PRE-APPEAL BRIEF REQUEST FOR REVIEW

U.S. Patent and Trademark Office
Customer Service Window - Mail Stop AF
Randolph Building
401 Dulany Street
Alexandria, Virginia 22314

Sir:

Applicant requests review of the rejection of the above-identified application. No amendments are being filed with this Request. This Request is being filed with a Notice of Appeal. The review is requested for the reasons stated below.

The August 22, 2006 Office Action rejects all of pending claims 1-16 and 18-24 under 35 U.S.C. §103(a) over Figures 1-3 of the present application in view of the U.S. Patent No. 6,785,716 to Nobakht, and further in view of Barton et al., U.S. Patent Publication No. 2003/0095791 (hereinafter "Barton"). The rejection is respectfully traversed.

Independent claim 1 is directed to a method for accessing the internet using an internet TV, comprising transmitting a message from the Internet TV to the server requesting authentication for use of information during a current session, transmitting the requested authentication number from the Internet TV to the server if the authentication number is available, checking a validity of the transmitted authentication number, and providing

information to the Internet TV for the current session if it is determined that the authentication number is valid, requesting a new authentication number from the server if the authentication number is not available, registering a user in accordance with information collected by the server, receiving a new authentication number from the server, and providing information to the Internet TV for use during the current session, and storing the new authentication number in a memory device of the Internet TV for use during a later session. Independent claims 2 and 7 recite similar features in varying scope. As acknowledged in the Office Action, Figures 1-3 of the present application neither disclose nor suggest such features, and Nobakht fails to overcome the deficiencies of Figures 1-3 of the present application. Further, it is respectfully submitted that Barton fails to overcome the deficiencies of Figures 1-3 of the present application and Nobakht.

The present application was filed on November 30, 2001, claiming priority to Korean Patent Application 72949/2000 filed in Korea on December 4, 2000. A certified translation of the Korean priority document was filed with the June 22, 2006 Amendment to perfect the claim for priority. The December 4, 2000 priority date of the present application clearly predates Barton's February 27, 2001 PCT filing date. Accordingly, only the subject matter supported by U.S. Provisional Application No. 60/186,551 filed March 2, 2000 (hereinafter "the Barton provisional application") may be relied upon in a rejection of the present application. A copy of the Barton provisional application is provided herewith.

The Barton provisional application discloses a system for using MPEG for digital audio and video transmission, in which MPEG streams and accompanying events tables may be encrypted, preferably separately, prior to transmission to prevent unauthorized use. By

encrypting the MPEG stream and event tables separately, the events tables may be decrypted on the receiving end without decrypting the entire MPEG stream, thus simplifying the decryption process. TiVo receivers may be used to distribute these audio/video streams to a large population, and accessed by an owner of one of the TiVo receivers upon receipt of proper authorization for decryption.

The Office Action asserts that the Barton provisional application teaches on pages 12-15 the use of encryption keys that are exchanged over a network, and on page 6 the distribution of authentication keys. However, page 12 merely discloses that pre-encrypted media streams are only decrypted (by a localized capability such as a smart card) if viewed to protect the content from theft. If the media stream is transferred to another receiver and viewed, the viewer of the new receiver is appropriately charged in line with established copy protection rules. Pages 13 and 14 further disclose how additional interaction between receivers may be enabled, but make no mention of the use of encryption/decryption/authentication keys to do so.

Further, pages 6 and 7 of the Barton provisional application merely set forth process steps for pairing, recording and playback procedures, and associated keys which may be used with each. However, the Barton provisional application neither discloses nor suggests that at any point in any of these procedures, the validity of any of the keys is checked, either before, during or after transmission from one receiver to another, and thus necessarily neither discloses nor suggests that at any point, during any of these procedures, a new key may be requested and/or transmitted if an existing key is determined to be invalid, nor that such a newly requested key is stored for use during a later session. Thus, the Barton provisional application neither discloses nor suggests checking a validity of a transmitted authentication number, and providing

information to the Internet TV for the current session if it is determined that the authentication number is valid, requesting a new authentication number from the server if the authentication number is not available, registering a user in accordance with information collected by the server, receiving a new authentication number from the server, and providing information to the Internet TV for use during the current session, and storing the new authentication number in a memory device of the Internet TV for use during a later session, as recited in independent claim 1. Further, the Barton provisional application neither discloses nor suggests the corresponding features in varying scope recited in independent claims 2 and 7.

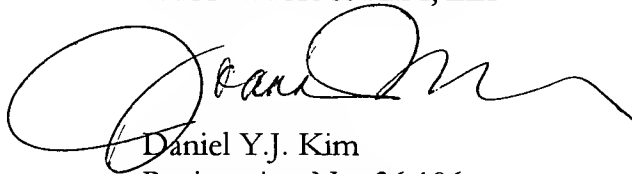
Applicant respectfully disagrees with the assertion in the Office Action that the mere disclosure of encryption and decryption keys in the Barton provisional application provides adequate support for the application of the use of cookies allegedly disclosed later in the Barton publication in a rejection of the present application. More specifically, Applicant respectfully submits that the use of these keys in Barton provisional application is limited to encryption and decryption. The mere identification of these keys does not necessarily render obvious or evident the eventual use, and particularly the exchange, authentication, provision and storage of these keys, nor does it provide support for the manner in which the keys are used as specifically set forth in the Barton publication, as is asserted in the Office Action. Thus, Applicant respectfully submits that Barton is entitled to the earlier filing date of the provisional application only for the subject matter which is supported by the provisional application, and that the subject matter relied in the rejection set forth in the Office Action is not supported by the Barton provisional application.

For at least these reasons, it is respectfully submitted that independent claims 1, 2 and 7

are allowable over the applied combination, and thus the rejection of independent claims 1, 2 and 7 under 35 U.S.C. §103(a) over Figures 1-3 of the present application, Nobakht and the Barton provisional application should be withdrawn. Dependent claims 3-6, 8-16 and 18-24 are allowable at least for the reasons set forth above with respect to independent claims 1, 2 and 7, from which they respectively depend, as well as for their added features.

In view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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Attachments: Barton Provisional Application

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